

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants- Revenue Department – Allegation of Corruption against Sri P.Yadaiah, Additional Revenue Inspector Nalgonda District – Trapped on 31.07.2007 – Placed before the Tribunal for Disciplinary Proceedings (TDP) on his defence – Charges Proved in TEC No.23/2009 – Dismissal from Service – Orders – Issued.

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REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Ms.No. 29

Dated:16.01.2013.

Read the following:

- 1) From the D.G., A.C.B., A.P., Hyderabad, Letter.No.147/RCT-CIU-HND/ 2007, dt.23.06.2008.
- 2) Government Memo No.42470/Vig.II.2/07-3 dt.4.12.2008.
- 3) From Secretary, T.D.P., Lr.Dis.No.S/33/2010, dt.23.12.2010.
- 4) Government Memo No.42470/Vig.II(2)/07-7, dt.04.02.2011.
- 5) Explanation of Sri P.Yadaiah, Additional Revenue Inspector, Nalgonda District, dt.Nil.

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ORDER:

Whereas discreet enquiry conducted by the appropriate authority on the allegation of corruption against Sri P.Yadaiah, Additional Revenue Inspector, Nalgonda who was trapped by the Anti-Corruption Bureau Officials on 31.07.2007, when he demanded and accepted a bribe amount of Rs.5000/- from the complainant Sri Vasa Dayakar of L.B.Nagar, Ranga Reddy District for doing official favour of returning the original documents of lorry bearing No.AP29U 5737 of Sri Vasa Dayakar which was taken from the Driver of the said lorry on 28.07.2007 at by-pass road near Nalgonda. The Director General, Anti-Corruption Bureau recommended for prosecution of the Accused Officer in a Court of Law.

2. And whereas, the Government, after considering the final report furnished by the Director General, Anti Corruption Bureau through the reference 1st read above, entrusted the case against the said individual to the Tribunal for Disciplinary Proceedings for a detailed enquiry into the allegations levelled against the Accused Officer under Rule 3 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989 read with section 4 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 vide reference 2nd read above;

3. And whereas, in the reference 3rd read above, the Tribunal for Disciplinary Proceedings Hyderabad furnished the enquiry report in TEC.No.23/2009, dated.23.12.2010 stating that the charge framed against Sri P.Yadaiah, Additional Revenue Inspector, Nalgonda is held proved.

4. And whereas, Government, after considering the Tribunal for Disciplinary Proceedings Report in T.E.C.No.23/2009, dated 23.12.2010, accepted the findings of the Tribunal for Disciplinary Proceedings and accordingly a copy of the enquiry report in TEC No.22/2009 and 23/2009 was communicated to Sri P.Yadaiah, Additional Revenue Inspector, Nalgonda and he was directed to submit his explanation as to why further action shall not be taken against him under Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 on the findings of Tribunal for Disciplinary Proceedings for the charges proved against them through the reference 4th read above.

(P.T.O.)

5. And whereas, Sri P.Yadaiah, Additional Revenue Inspector, Nalgonda, in the reference 5th read above, submitted his explanation stating that the lorry relating to PW1 V.Dayakar was apprehended and seized by II Town Police Station, Nalgonda at 5 am on 28.7.07 while transporting sand illegally and they have also seized the papers and gave a report to Tahsildar on 28.7.07 under Ex.P1. Further, PW1 came to the office on 28.7.07 itself and gave a letter admitting his guilt under Ex.D1 promising to pay the fine amount. Accordingly, the Mandal Revenue Officer imposed a fine of Rs.2,000/- and directed him to pay the challan and obtain Demand Draft in A.P.Grameena Vikas Bank, Nalgonda. After payment of the fine amount by PW1, the Tahsildar made endorsement on Ex.D1 directing the Station House Officer, II Town Police Station to release the vehicle, as the penalty paid by PW1 and sent the same to the Station House Officer, II Town Police Station, Nalgonda. The Revenue Inspector Sri P.Yadaiah paid the challan of Rs.2,000/- and obtained Demand Draft in favour of Revenue Divisional Officer on 30.07.2007, as 28.07.2007 & 29.07.2007 happens to be Saturday and Sunday. All this was clearly admitted by the Deputy Superintendent of Police, Anti-Corruption Bureau as PW5. This aspect is deliberately suppressed by PW1 in his complaint given to the Anti-Corruption Bureau under Ex.P4 and he thoroughly mislead the Anti-Corruption Bureau officials by making false recitals in his complaint and this was also clearly admitted by the very Deputy Superintendent of Police, Anti-Corruption Bureau PW5. After paying the penalty of Rs.2000/- PW1, on 28.07.2007, again sent his lorry to Narsingbatla (Village) for illegal transportation of sand and the said lorry was seized by him when it was stuck in the mud on the side of the road. The Tahsildar also imposed a fine of Rs.1000/- and the same was paid by the PW1 and the amount was also given by the Tahsildar to him directing him to remit the challan amount. Accordingly, he paid and obtained Demand Draft in favour of Revenue Divisional Officer for Rs.1000/- on 30.7.07. At the time of trap both the Demand Drafts for Rs.2000/- & Rs.1000/- were seized by the Anti-Corruption Bureau and the same was marked as Exs.D2 & D3. He has further stated that the papers relating to the lorry of PW1 were also seized when his lorry was caught red handed for the 2nd time on 28.7.07 and the same was retained with him. As the Tahsildar chastised PW1 in his presence, he bore grudge against him and lodged a false complaint to the Anti-Corruption Bureau and thus implicated him in this false case. He has further stated that the Mandal Revenue Officer has imposed lakhs of rupees fine on the lorry owners who were transporting sand illegally including PW1. Further, the fine amount of Rs.2000/- and Rs.1000/- paid by PW1 was remitted in the bank by way of challans and therefore no official favour can be rendered to him or by the Mandal Revenue Officer expecting some illegal gratification from him as he has already paid the fine amounts. He has stated that not only PW1 but there was a big gang of lorry owners at Nalgonda who were illegally transporting the sand which were seized by the Tahsildar several times and imposed lot of fines on the lorry owners. The file which was seized by the Anti-Corruption Bureau on the date of trap under Ex.P11 established beyond doubt that the Tahsildar imposed several fines and penalties on the lorry owners. The Deputy Superintendent of Police, Anti-Corruption Bureau also clearly admitted the same before the Tribunal for Disciplinary Proceedings. As the Tahsildar has become an obstacle for illegal transportation of sand by PW1 and other lorry owners, they hatched a plan to get rid of them from their posts and ultimately they succeeded by implicating them in this stage managed and foisted Anti-Corruption Bureau trap case.

6. He has also stated that when he was present in the Verandah of the office, PW1 suddenly came and deliberately thrust the tainted amount forcibly in his shirt pocket which he involuntarily obstructed with his right hand and that is the reason why chemical test on his right shirt pocket might have proved positive. The PW1 has mentioned in his complaint to the Anti-Corruption Bureau and in his evidence before the Hon'ble Tribunal for Disciplinary Proceedings that his lorry was stopped by Tahsildar for the 1st time near AMC Check Post, Nalgonda by-pass and that the lorry was empty etc. is absolutely false and baseless. Further in his 161 Criminal Procedure Code statement and 164 Criminal Procedure Code Statement and deliberately speaking falsehood against him before the Tribunal for Disciplinary Proceedings alleging that on 28.7.07 his driver Balaraj informed him that himself and Mandal Revenue Officer has stopped his lorry at Nalgonda By Pass Road and seized the Registration Copy Book and permit and handed over to Nalgonda Rural Police Station and also alleged that his lorry was on the road at that time and that he met Mandal Revenue Officer on 29.7.07 and that he has demanded Rs.5,000/- to release the lorry and documents etc. which is not at all contained in his earlier statements. Thus, it is proved beyond doubt that PW1 is making deliberate falsehood before the Hon'ble Tribunal for Disciplinary Proceedings. He has further stated that the petitioner i.e. PW1 gave a false complaint against the staff of Tribunal for Disciplinary Proceedings when there were a small rift between him and staff of Tribunal for Disciplinary Proceedings about talking loudly over cell phone inside the Tribunal for Disciplinary Proceedings office and this also clearly proves that the character of PW1 is a vengeful character by giving false complaints. He has further stated that the Hon'ble Tribunal for Disciplinary Proceedings did not consider the same nor discussed the same in its lengthy report of 13 pages any where and simply held that "when the Revenue Inspector (Charged Officer in TEC No.23/2009) rinsed his fingers in the solution, the solution turned into pink colour in which right hand fingers dipped whereas he left hand fingers remained colourless. Inner linings of wearing shirt of the Charged Officer in TEC No.23/2009 was subjected to chemical examination. The inner linings of shirt front pocket came into contact with the tainted amount yielded positive as the water turned into pink colour. Therefore, it is crystal clear that the Revenue Inspector (Charged Officer in TEC No.23/2009) had demanded and accepted the bribe amount from PW1. He has also stated that the Hon'ble Tribunal for Disciplinary Proceedings given his findings that the test was conducted on his both hands and his shirt pocket proved positive and except considering the positive result, the Tribunal for Disciplinary Proceedings did not consider any thing. In fact, on the date of trap when he was in the verandah of the office PW1 suddenly came and tried to thrust the tainted amount in his shirt pocket forcibly and he obstructed the same with his right hand and immediately after thrusting the amount PW1 went out hurriedly without listening to the callings made by him and in the meanwhile Tribunal for Disciplinary Proceedings officials apprehended him.

7. The mediator also clearly admitted "when the Charged Officer in TEC No.22/2009 was questioned by the Inspector, he represented that he never demanded and accepted any bribe amount from PW1 and that he never instructed PW1 to pay any amount to the Charged Officer in TEC No.23/2009 and that he never asked the Charged Officer in TEC No.23/2009 to receive any amount from PW1. The above spontaneous explanation given by him amply establishes that the Tahsildar never instructed PW1 to pay any amount to him. On the other hand, it is proved beyond doubt that PW1 deliberately thrust the tainted amount in his shirt pocket which he has obstructed with

(P.T.O.)

right hand. The categorical, credible and trust worthy evidence of DWs 1 & 4 coupled with their affidavits under Exs. D9 and D.12 clearly establishes his innocence. He has further stated that the finding given by the Tribunal for Disciplinary Proceedings one sidedly and perversely holding him guilt of the charge, as the chemical test on his right hand fingers and shirt pocket proved positive has no legs to stand and the same is liable to be rejected outright. The chemical test on his shirt pocket proved positive because PW1 deliberately thrust the amount in his shirt pocket. The chemical test on his right hand fingers might be proved positive as he has involuntarily obstructed with his right hand when PW1 was deliberately thrusting the tainted amount in his shirt pocket. Therefore, the positive result of the chemical test on his right hand fingers and shirt pocket are clearly explained and the same is not having any significant and much less redundant in this case. Therefore, the Hon'ble Tribunal for Disciplinary Proceedings holding him guilty of the charge, basing on the sole ground of positive result of test on his right hand fingers and shirt pocket is most unfortunate and nothing but perverse. The Deputy Superintendent of Police, Anti-Corruption Bureau deliberately suppressed their evidence and they were not at all examined either in post-trap or under 161 Criminal Procedure Code. Further, the mediator, PW2 categorically admitted that even on the date of trap several visitors were present in the office and none of the visitors were examined by the Anti-Corruption Bureau officials to ascertain as to what actually transpired between him and PW1 and the evidence of PW2 clearly exposes the one sided and biased investigation conducted by the Anti-Corruption Bureau. He has finally stated that the report given by the Hon'ble Tribunal for Disciplinary Proceedings does not contain anything whether the unimpeachable documents under Exs.D1 to D13 and the trustworthy evidence of DWs1 to 5 were accepted by the Tribunal for Disciplinary Proceedings or rejected by the Tribunal for Disciplinary Proceedings. Hence, he has requested to consider his explanation and drop further action against him.

8. Government, after careful examination of facts and circumstances of the case and keeping in view of the findings of Tribunal for Disciplinary Proceedings in TEC No.23/2009, dated:23.12.2010 and the representation of Sri P.Yadaiah, Additional Revenue Inspector, Nalgonda find that notwithstanding the lengthy representation filed by the Charged Officer, the fact remains that there was an official work pending and that he received the tainted (bribe) amount and kept the same in his shirt pocket. Subsequently the phenolphthalein test on the hand and shirt pocket of Sri P.Yadaiah proved positive. Hence, Government have decided to impose the punishment of dismissal from service under Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 on Sri P.Yadaiah, Additional Revenue Inspector for the charges proved against him in TEC No.23/2009, dated: 23.12.2010.

9. Now, therefore, in exercise of the powers conferred by clause (x) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 read with G.O.Ms.No.2, General Administration (Ser.C) Department, dated:04.01.1999, Government hereby dismiss Sri P.Yadaiah, Additional Revenue Inspector, Nalgonda from Government service with immediate effect;

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10. Accordingly, the following notification shall be published in the Extraordinary Gazette of the Andhra Pradesh Gazette, dated:

NOTIFICATION

In exercise of the powers conferred under clause (x) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, Government of Andhra Pradesh hereby dismiss Sri P.Yadaiah, Additional Revenue Inspector from Government service with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri P.Yadaiah, Additional Revenue Inspector, Nalgonda **through**
the Chief Commissioner of Land Administration,
Andhra Pradesh, Hyderabad.

The Chief Commissioner of Land Administration,
Andhra Pradesh, Hyderabad. (with a request
to serve the G.O. on the individual and send the
served copy with dated signature to Government for record)

The District Collector, Nalgonda District.

The Commissioner of Printing, Stationery & Stores Purchase,
Chenchalaguda, Hyderabad. (with a request to publish
the GO in the Extraordinary Gazette and furnish
10 copies to Government).

The Director General, Anti Corruption Bureau, Hyderabad.

The Secretary to Vigilance Commission,
A.P.Vigilance Commission, Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad.

The District Treasury Officer, Nalgonda.

S.f./S.c.

// FORWARDED :: BY ORDER //

SECTION OFFICER